

ALTERATIONS REQUIREMENTS PATH OF TRAVEL REQUIREMENT

ADAAG 4.1.6(2) Alterations to an Area Containing a Primary Function states:

"... an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered areas and the restrooms, telephones, and drinking fountains serving the altered areas, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope (as determined by the Attorney General)."

A **primary function** is a major activity for which the facility is intended. Primary function areas might include meeting rooms of an office, dining rooms in a cafeteria, etc. Storage rooms, closets, mechanical rooms, supply rooms, restrooms, etc. are not primary function areas.

A **path of travel** is a continuous, unobstructed way of pedestrian passage by means of which an altered area may be approached, entered, and exited; and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

In meeting its obligations to the "path of travel requirement" private places of public accommodation are not required to spend more than 20% of the cost of the original alteration on making the path of travel accessible, even if this cost limitation results in less than full accessibility. (28 CFR 36.403(f)). Although the same 20% limitation is not outlined in the regulations for State and local entities under Title II, the "path of travel obligation" nonetheless remains as a legal requirement.

Example of how this applies:

The State of Hawaii spends \$300,000 to renovate a school classroom building. Of the \$300,000, \$200,000 is spent on altering the classrooms (a primary function area) and 100,000 is spent on altering non-primary function areas such as the roof, electrical system, closets, janitorial rooms, etc. The "path of travel" obligation would require that up to \$40,000 ($20\% \times \$200,000 = \$40,000$) be spent to create a path of travel to the altered classroom.

"PATH OF TRAVEL" STATEMENT Relating to a project under review for §103-50, HRS

Project Name: _____

Dept. Project Number: _____ DCAB Project Number: _____

The Disability and Communication Access Board, under HRS 103-50 does not review plans for the requirements for an "accessible path of travel" as it would involve a financial analysis of the project. However, we are informing all State and county government entities of their obligation to comply with this requirement.

State and county departments or agencies shall acknowledge their understanding of this obligation prior to receiving a completed final document review by the Board. This obligation may be met by the signature of the director, or his or her designee, of the State or County department overseeing the project.

Name (Print) of Director Title

Signature Date

Department / Agency